

2009 OCT 12 PM 3: 16

1. The State of Tennessee initiated a law enforcement action for violations of the Tennessee Consumer Protection Act and the unauthorized practice of law statutes on June 15, 2009.

2. On June 16, 2009, Michael H. Sneed was served with the State's Complaint. On June 23, 2009, the State filed a Motion for Statutory Temporary Injunction.

3. An Agreed Order for a Statutory Temporary Injunction ("Agreed Order") was entered by this Court on July 17, 2009.

4. Due to the Defendant's failure to produce records and documents required under the Agreed Order, the State filed a Motion for an Order to Compel Compliance with the Agreed Order for Statutory Temporary Injunction on August 4, 2009.

5. Defendant Michael Sneed filed no responsive pleading to the State's Motion and it was thereby granted.

6. The Defendant provided some of the financial records required by the Court's order on September 17, 2009, forty-four (44) days after the Court ordered him to provide the information under the original Agreed Order and seven (7) days after the deadline set under the Order Compelling Compliance with the Agreed Order. These records included four (4) bank statements: two (2) from the Defendant's "trust account" and two (2) from his "attorney account."

7. At a status hearing on September 18, 2009, the Court entered an Order Compelling Compliance with the Agreed Order for a Statutory Temporary Injunction and Disclosure of Other Pertinent Information which required the Defendant to produce additional documents and information including client lists and an affidavit by October 2, 2009. Attach. A to this Mot., Order Compelling Compliance with the Agreed Order for a Statutory Temporary Injunction and Disclosure of Other Pertinent Information.

8. The Defendant did not produce any of the required information or documents by October 2, 2009.

9. On October 8, 2009, the State sent a letter to the Defendant stating it would take appropriate action if the required information was not received by noon on October 12, 2009. Attach. B to this Mot., October 8, 2009 Letter to Michael Sneed.

10. As of the date of this filing, the State has not received from the Defendant any of the items or documents required by the Order Compelling Compliance.

11. The Defendant cannot meet his burden of proof to show that he does not have the ability to comply with the Order Compelling Compliance which was lawfully issued and which unambiguously required the Defendant to provide documents and information to the State by no later than Friday, October 2, 2009. The Defendant currently possesses the ability to produce such information and in fact, informed the Court at the September 18, 2009 hearing that he could produce all of the information by the October 2, 2009 deadline. Attach. C to this Mot., Tr. at 28:19.

12. While it is the Defendant's burden to show how he is not in contempt of the Court's Order, the facts clearly show that the Defendant's conduct meets the factors for civil contempt that the Supreme Court of Tennessee identified in *Konvalinka v. Chattanooga-Hamilton County Hosp. Authority*, 249 S.W.3d 346, 254-355 (Tenn. 2008).

13. The Order Compelling Compliance was issued by a court having jurisdiction over both the subject matter of the case and the Defendant. Tenn. Code Ann. § 16-10-101 states that circuits courts are courts of "general jurisdiction, and the judge thereof shall administer right and justice according to law, in all cases where the jurisdiction is not conferred upon another tribunal."

14. This Court has personal jurisdiction over the Defendant because the Defendant resides in Tennessee and the conduct took place in Tennessee. Jurisdiction and venue is also

found in the Tennessee Consumer Protection Act and Unauthorized Practice and Improper Conduct statutes. See Tenn. Code Ann. § 47-18-108, Tenn. Code Ann. § 23-3-103(2).

15. The Order Compelling Compliance was clear, specific, and unambiguous.

16. The Order Compelling Compliance went into explicit detail by requiring the Defendant to produce a list of the Defendant's former clients whose files were given to another attorney after February 24, 2009; a list of the Defendant's former clients who gave the Defendant any money or other valuable consideration for legal services to be performed after February 24, 2009 but for whom the Defendant did not create a formal file or other paper record; all bank account statements from the Defendant's trust, attorney and personal accounts for the months of February, 2009 through August, 2009 where any monies from clients were deposited or withdrawn; and an affidavit detailing instances that may not fall directly within the lists described.

18. The Defendant acknowledged his understanding of the requirements under the Order Compelling Compliance in open court on September 18, 2009. Attach. C to this Mot., Tr. at 13:13-13:20; 15:14-16:6; 21:10-20; and 25:6-26:16.

19. The Defendant actually disobeyed or otherwise resisted the Order Compelling Compliance. At this time, the Defendant *has not produced any documents or information* to comply with the Order Compelling Compliance.

20. The Defendant's failure to produce information was willful because the Defendant has all of the information required by the Order at his disposal. Further, when asked by the Court when he could get the required information to the State, the Defendant stated "two weeks," prompting the Court to set the deadline as October 2, 2009. Attach. C to this Mot., Tr. at 28:17-29:2.

MOTION

In order to coerce and encourage compliance with this Court's Order Compelling Compliance, the State of Tennessee seeks:

- (A) to have Defendant found in civil contempt pursuant to Tenn. Code Ann. § 29-9-102(3);
- (B) to have the Defendant immediately produce all of the required documents and information as set forth in the Order Compelling Compliance with the Agreed Order Issuing Statutory Temporary Injunction;
- (C) to require the Defendant, pursuant to Tenn. Code Ann. § 29-9-104, to pay \$50.00 for each day that he has failed to produce the documents and information as a separate act of contempt, which, if the Defendant does not comply by the date of the November 6, 2009 civil contempt hearing, will be One Thousand, Seven Hundred Fifty Dollars (\$1,750.00) for thirty-five (35) days; and
- (D) to require the Defendant, pursuant to Tenn. Code Ann. §§ 29-9-105, 47-18-108(b)(4) and 23-3-103(c)(1) to pay attorneys' fees and costs incurred by the State in bringing this civil contempt motion and memorandum, participating in any hearing and preparing any order issued relating to the motion. *See Attach. D to this Mot., Aff. of Anne Simmons.*

PRAYER FOR RELIEF

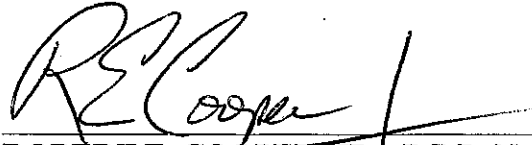
Wherefore, premises considered and in order to coerce Defendant's compliance with the Order Compelling Compliance with the Agreed Order Issuing Statutory Temporary Injunction, the State of Tennessee, by and through Robert E. Cooper, Jr., Attorney General and Reporter, prays that its motion be granted and asks this Court to:

- (1) Find that Defendant Michael Sneed is in Civil Contempt of court;
- (2) Require the Defendant to immediately produce all of the required documents and information and as set forth in the Order Compelling Compliance with the Agreed Order Issuing Statutory Temporary Injunction;
- (3) Require the Defendant to pay \$50.00 for each day that he has failed to produce the documents and information as a separate act of civil contempt, which, if the Defendant does not fully comply by November 6, 2009, the date of the civil contempt hearing, will be One Thousand, Seven Hundred Fifty Dollars (\$1,750.00) for thirty-five (35) days;
- (4) Require the Defendants to pay attorneys' fees and costs incurred by the State in bringing and arguing this civil contempt motion;
- (5) Require that Defendant Michael Sneed be ordered to pay all court costs associated with this Motion, the hearing and entry of the Order; and
- (6) Grant any other relief it deems appropriate.

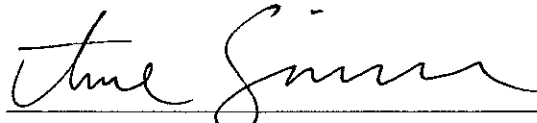
NOTICE OF HEARING:

THIS MOTION WILL BE HEARD ON NOVEMBER 6, 2009 AT 11:00 A.M. CDT IN THE FIFTH CIRCUIT COURT LOCATED AT 1 PUBLIC SQ # 502, NASHVILLE, TN 37201. FAILURE TO RESPOND WILL RESULT IN THE MOTION BEING GRANTED UPON A PROPER SHOWING.

Respectfully submitted,



ROBERT E. COOPER, JR., B.P.R. No. 10934
Attorney General and Reporter



ANNE SIMMONS, B.P.R. No. 26272

Assistant Attorney General

C. SCOTT JACKSON, B.P.R. No. 11005

Senior Counsel

Office of the Tennessee Attorney General

Consumer Advocate and Protection Division

Post Office Box 20207

Nashville, TN 37202-0207

Phone: (615) 532-2590

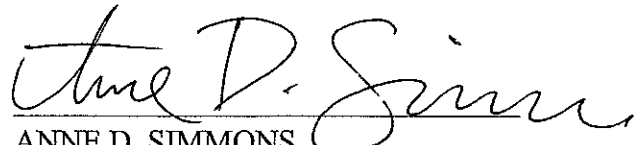
Facsimile: (615) 532-2910

anne.simmons@ag.tn.gov

Attorneys for the State of Tennessee

CERTIFICATE OF SERVICE

Due to the Columbus Day holiday, this document could not be sent to the Defendant on the day of filing. However, I hereby certify that a true and exact copy of the foregoing document will be forwarded via U.S. mail, postage prepaid, to: Michael Sneed, 3141 Kinwood Dr., Antioch, TN 37013-1347 on the 13th day of October, 2009.



ANNE D. SIMMONS
Assistant Attorney General

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FILED

IN THE FIFTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE
TWENTIETH JUDICIAL DISTRICT AT NASHVILLE

2009 SEP 28 PM 2:02

CLERK

Richard R. Rooker, Clerk
D.C.

STATE OF TENNESSEE, ex rel.
ROBERT E. COOPER, JR., ATTORNEY
GENERAL and REPORTER,

Plaintiff,

v.

MICHAEL H. SNEED,

Defendant.

Case No. 09C2025

**ORDER COMPELLING COMPLIANCE WITH THE AGREED ORDER FOR A
STATUTORY TEMPORARY INJUNCTION AND DISCLOSURE OF OTHER
PERTINENT INFORMATION**

This matter came on for hearing before the Honorable Judge Joseph P. Binkley, Jr. on Friday, September 18, 2009, in connection with the Order to Compel Compliance with the Agreed Order for a Statutory Temporary Injunction ("Order"). Upon review and consideration of the pleadings and submissions thereto and after hearing the argument of counsel and from the Defendant Michael H. Sneed, the Court is of the opinion that Defendant Michael H. Sneed must produce additional documentation and information in order to be in full compliance with the Court's previous Orders. Pursuant to Tenn. Code Ann. §§ 23-3-103(c)(3), 47-18-108(a)(1) and (a)(4), **IT IS HEREBY ORDERED ADJUDGED AND DECREED** as follows:

EXHIBIT

A

COURT ORDERED PRODUCTION OF DOCUMENTS AND INFORMATION

1. Defendant shall produce and deliver to Counsel for the State, the following documents and information in conformity with the terms of the Agreed Order entered July 17, 2009 by no later than the close of business on **Friday, October 2, 2009**:

- a. A full and complete list of the Defendant's former clients whose files were given to another attorney after February 24, 2009. The list should include, at a minimum, the name of the former client, any contact information for the client (i.e. address, telephone number or email, if known), the amount paid by the client (if known) or other valuable consideration provided (if any), as well as the attorney who received the particular client file, whether any client monies were transferred to the attorney and if so, how much for each client.
- b. A full and complete list of the Defendant's former clients who gave the Defendant any money or other valuable consideration for legal services to be performed after February 24, 2009 but for whom the Defendant did not create a formal file or other paper record. The list should include, at a minimum, the name of the former client, any contact information for the client (i.e. address, telephone number, or email if known), the amount paid or other valuable consideration provided to the Defendant for the legal services, and the attorney who received the client information, if any, and whether any client monies were transferred to the attorney and if so how much for each client.
- c. All bank account statements from the Defendant's trust, attorney and personal accounts for the months of February, 2009 through August, 2009 where any monies from clients were deposited or withdrawn.

Copy.

- d. An affidavit including at a minimum, the following information:
- i. The identification of any clients who do not fall directly into the lists described in sections 1(a) & 1(b);
 - ii. The identification of any other monies which were received from clients, but not deposited in the accounts identified in section 1(c);
 - iii. A statement attaching the materials produced under this Order and confirming they are true, complete and accurate.

The Defendant has agreed that this information is readily accessible and will be produced in the manner described. The Defendant shall contact the State representatives before producing the documents at the Office of the Tennessee Attorney General, Consumer Advocate and Protection Division at 425 Fifth Avenue North, Nashville, TN 37243 to arrange a time during regular business hours to deliver the affidavit and copies of the records. A copy of these financial documents and other information required to be provided under this Order shall also be provided to the Court by no later than the close of business on **Wednesday, October 7, 2009**. The State will redact any sensitive information such as bank account numbers and social security numbers before filing the documents with the Court to include in the record.

STATE'S RIGHT TO CLIENT LIST

2. IT IS FUTHER ORDERED that the State has the right to make an inquiry with Judge Fishburn as to whether a list of clients was provided to the judge by the Defendant. If such a list was provided to Judge Fishburn, the State may request that material.

INJUNCTION

3. The injunctions set forth in the Agreed Order dated July 17, 2009 and the Order Compelling Compliance dated August 31, 2009 shall remain in full force and effect.

ATTORNEYS' FEES, COSTS AND PENALTIES

4. The Court reserves ruling on the State's request for the award of attorneys' fees, costs and civil penalties regarding Defendant's failure to comply with the Court's prior Order pending the Defendant's compliance with the terms of this Order. The Attorney General agreed to provide the Court with a report regarding whether the Attorney General's Office believes the information provided appears to include all of the documents required to bring the Defendant into compliance with the terms of this Order, said report is to be filed by October 23, 2009. It is not possible for the Attorney General's Office to confirm with certainty that the information is complete and truthful. The Court further reserves the right to set further Hearing on the State's request for an award of attorneys' fees, costs and civil penalties under the Tennessee Consumer Protection Act of 1977 and unauthorized practice of law statute if the Court deems it necessary.

CONTACT INFORMATION

5. The Court requested that the Defendant provided current and accurate contact information. The Defendant provided the following information:

Phone numbers: 615-424-8661 (cell)
615-719-8987 (home)

Email: michaelsneed@live.com

Address: 3141 Kinwood Drive
Antioch, TN 37013-1347

Defendant should notify the Court and counsel for the State if any of this information changes as soon as any changes occur.

PENALTIES FOR FAILURE TO COMPLY

6. Any subsequent failure by the Defendant to comply with the terms of this Order and the prior orders hereof may be *prima facie* evidence of a violation of the Tennessee Consumer Protection Act of 1977. Further, Defendant may be subject to additional civil penalties pursuant to the Tennessee Consumer Protection Act and any other sanctions or remedies available at law.

7. Pursuant to the provisions of the Tennessee Consumer Protection Act, Tenn. Code Ann. § 47-18-108(c), any knowing violation of the terms of this Order shall be punishable by civil penalties of not more than Two Thousand Dollars (\$2,000.00) for each violation, in addition to any other appropriate sanctions including, but not limited to, contempt sanctions and the imposition of attorneys' fees and civil penalties.

8. Pursuant to the provisions of the Tennessee unauthorized practice of law statutes, Tenn. Code Ann. § 23-3-103(c)(4), any knowing violation of the terms of this Order shall be punishable by civil penalties of not more than Twenty Thousand Dollars (\$20,000.00) for each violation, in addition to any other appropriate sanctions including, but not limited to, contempt sanctions and the imposition of attorneys' fees and civil penalties.

9. Nothing in this Order prevents, restricts or otherwise limits in anyway, the State from seeking and/or the Court from awarding additional monetary amounts of any sort including civil penalties and attorneys' fees for failure to comply with this Order or any subsequent failure to comply with the prior Agreed Order or any other order of this Court.

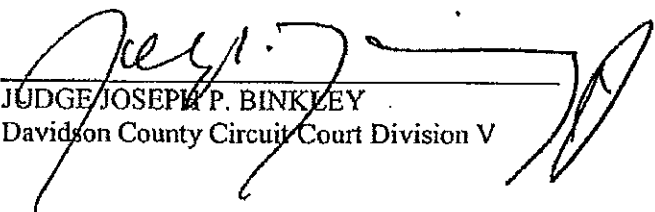
COURT COSTS

10. Defendant is ordered to pay all court costs associated with the Court's Order Compelling Compliance with the Agreed Order for a Statutory Temporary Injunction, the related hearing and entry of any related order and for which execution may issue.

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Further, no costs shall be taxed against the State as provided by Tenn. Code Ann. §
47-18-116.

IT IS SO ORDERED, ADJUDGED AND DECREED, this ____ day of _____, 2009.



JUDGE JOSEPH P. BINKLEY
Davidson County Circuit Court Division V

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RESPECTFULLY SUBMITTED,

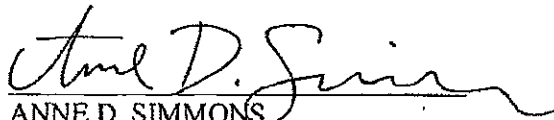
ROBERT E. COOPER, JR.
Attorney General and Reporter
B.P.R. No. 10934



ANNE D. SIMMONS
Assistant Attorney General
B.P.R. No. 26272
C. SCOTT JACKSON
Senior Counsel
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Phone: (615) 532-2590
Facsimile: (615) 532-2910
E-mail: Anne.Simmons@ag.tn.gov

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing Order has been forwarded via U.S. mail, postage prepaid, to: Michael Sneed, 3141 Kinwood Dr., Antioch, TN 37013-1347 on this the 24 day of September, 2009.



ANNE D. SIMMONS
Assistant Attorney General

STATE OF TENNESSEE

Office of the Attorney General



LUCY HONEY HAYNES
CHIEF DEPUTY ATTORNEY GENERAL

LAWRENCE HARRINGTON
CHIEF POLICY DEPUTY

ROBERT E. COOPER, JR.
ATTORNEY GENERAL AND REPORTER
CORDELL HULL AND JOHN SEVIER STATE
OFFICE BUILDINGS

MAILING ADDRESS
P.O. BOX 20207
NASHVILLE, TN 37202

MICHAEL E. MOORE
SOLICITOR GENERAL

TELEPHONE (615) 741-3491
FACSIMILE (615) 741-2009

October 8, 2009

Via Federal Express

Michael Sneed
3141 Kinwood Dr.
Antioch, TN 37013-1347

RE: *State of Tennessee ex rel. Robert E. Cooper, Jr. v. Michael H. Sneed* Circuit
Court of Davidson County, Case No. 09C2025

Dear Mr. Sneed:

As you know, the information and documents you are required to produce under the Order Compelling Compliance with the Agreed Order for a Statutory Temporary Injunction and Disclosure of Other Pertinent Information ("Order") were due by the close of business October 2, 2009. As of today, the State has not received any of the information required under the Order including the following:

- a. A full and complete list of the Defendant's former clients whose files were given to another attorney after February 24, 2009. The list should include, at a minimum, the name of the former client, any contact information for the client (i.e. address, telephone number or email, if known), the amount paid by the client (if known) or other valuable consideration provided (if any), as well as the attorney who received the particular client file, whether any client monies were transferred to the attorney and if so, how much for each client.
- b. A full and complete list of the Defendant's former clients who gave the Defendant any money or other valuable consideration for legal services to be performed after February 24, 2009 but for whom the Defendant did not create a formal file or other paper record. The list should include, at a minimum, the name of the former client, any contact information for the client (i.e. address, telephone number, or email if known), the amount paid or other valuable consideration provided to the Defendant for the legal services, and the attorney who received the client information, if any, and whether any client monies were transferred to the attorney and if so how much for each client.

EXHIBIT

B

- c. All bank account statements from the Defendant's trust, attorney and personal accounts for the months of February, 2009 through August, 2009 where any monies from clients were deposited or withdrawn.
- d. An affidavit including at a minimum, the following information:
 - i. The identification of any clients who do not fall directly into the lists described in sections 1(a) & 1(b);
 - ii. The identification of any other monies which were received from clients, but not deposited in the accounts identified in section 1(c);
 - iii. A statement attaching the materials produced under this Order and confirming they are true, complete and accurate.

Your continued refusal to abide by the Court's Orders leaves us with no real alternatives. We must take steps to seek the Court's continuing assistance in bringing you into full compliance with Orders issued by it. However, prior to the initiation of a contempt motion, even though there is no local rule requiring us to do so, we are contacting you to give you one last chance to provide all of the required information and documents. We must have all of the required documents and information delivered to our Office by no later than the **12:00 p.m. on Monday, October 12, 2009.**

You are also required by the Order to provide current contact information. The email address you gave to the Court on September 18, 2009 does not appear to be active and will not accept email from our Office. In addition to the information and documents required under the Order, you must provide to us and the Court with full contact information, including but not limited to your current email address by the same date and time.

This courtesy notice to you in no way limits or restricts the State's right to continue to seek penalties and sanctions, including but not limited to civil penalties and attorneys' fees requested in our prior Motion to Compel as well as any new sanctions in any additional motions.

If a complete response is not received by the date and time listed above, the State will be forced to take appropriate action. You will not be contacted again.

Sincerely,



ANNE SIMMONS
Assistant Attorney General
(615) 532-2590

IN THE CIRCUIT COURT OF DAVIDSON COUNTY FOR THE
STATE OF TENNESSEE

STATE OF TENNESSEE,)
)
 Plaintiff,)
)
 vs.) No. 09C-2025
)
 MICHAEL H. SNEED,)
)
 Defendant.)

Transcript of the Proceedings

Before the Honorable Joe P. Binkley, Jr.

September 18, 2009

APPEARANCES:

For the Plaintiff: Ms. Anne Simmons
Mr. Scott Jackson
Ms. Cynthia Kinser
Attorney at Law
P.O. Box 20207
Nashville, TN 37202

For the Defendant: Pro Se

ORIGINAL

MORGAN REPORTING
3352 Parsons Street
Murfreesboro, TN 37127-6427
(615) 890-7317

Reported by: Brittany Patrick, Court Reporter

EXHIBIT

C

1 (The above-referenced cause came on to be
2 heard before the Honorable Joe P. Binkley, Jr.,
3 September 18, 2009, beginning at 9:00 a.m. The
4 following proceedings were had to-wit:)

5 THE COURT: Good morning. I know y'all have
6 been talking this morning. Is there any
7 resolution to any of these issues or no?

8 MS. SIMMONS: No, Your Honor.

9 THE COURT: Well, how would y'all like to
10 proceed?

11 MS. SIMMONS: Your Honor, my name is Anne
12 Simmons. I'm here with my co-counsel, Mr. Scott
13 Jackson, representing the State of Tennessee.

14 We are here regarding the order to compel
15 compliance with the agreed order for statutory
16 temporary injunction that was entered by this
17 court on August 31st, 2009.

18 Under that order, the defendant was required
19 to provide financial information, and he did
20 provide some financial information to our
21 office --

22 THE COURT: You said "did?"

23 MS. SIMMONS: He did. Yes. Yesterday
24 afternoon. And we have not been able to review it
25 at length, but we are going to, for the benefit of

1 the doubt, proceed as if he has complied with the
2 order at this point.

3 So all we are here today to ask for is the
4 assessment of the civil penalties and attorney's
5 fees that were ordered under the order to compel
6 compliance.

7 The State of Tennessee feels that the
8 violation of a court order under the Tennessee
9 Consumer Protection Act and the Unauthorized
10 Practice and Proper Conduct statutes is a serious
11 matter.

12 And so we are, therefore, requesting that
13 the Court assess a per business -- a per business
14 day penalty per business day that the defendant
15 did not comply with the agreed order. And as of
16 yesterday, that was 44 days that he had not
17 complied with the agreed order.

18 We've also assessed attorney's fees for
19 myself and Mr. Jackson and the court reporter
20 fees.

21 THE COURT: Do you have affidavits?

22 MS. SIMMONS: Yes. We filed my affidavit
23 earlier with the motion to compel compliance, and
24 this morning we filed Mr. Jackson's affidavit.

25 THE COURT: Where did you file it? The

1 clerk's office?

2 MS. SIMMONS: Yes.

3 THE COURT: Okay. I don't have it.

4 MS. SIMMONS: I have a copy here.

5 THE COURT: Okay.

6 MS. SIMMONS: And mine, I believe, was filed
7 with the motion to compel compliance. The
8 attorney's fees plus the fee for the court
9 reporter totaled \$900.

10 We believe this is a reasonable and low
11 estimate of the amount of time that we have spent
12 preparing the motion and the order compelling
13 compliance.

14 THE COURT: Okay. Let's see.

15 MR. JACKSON: Your Honor, Scott Jackson.
16 The only time we filed for me was the one-hour
17 appearance fee for two weeks ago at the hearing.
18 No other time for me.

19 THE COURT: That's the \$300?

20 MR. JACKSON: Yes, Your Honor.

21 MS. SIMMONS: I had about three and a half
22 hours, and my rate is \$150 an hour.

23 THE COURT: Do you have your affidavit?

24 MS. SIMMONS: It is with the motion to
25 compel compliance, I believe. And I don't have

1 that with me, unfortunately.

2 THE COURT: I'm not going to go through
3 that. See if you can find it.

4 MS. SIMMONS: I apologize, Your Honor.

5 THE COURT: That file is too big.

6 MS. SIMMONS: I apologize.

7 THE COURT: Anything else?

8 MS. SIMMONS: Yes.

9 For the civil penalties, there are two
10 penalty provisions that we are working under.

11 The first is Tennessee Code Annotated
12 47-18-108(c) of the Tennessee Consumer Protection
13 Act, which states a civil penalty of up to \$2,000
14 per violation per day be assessed for the
15 defendant's failure to comply an injunctive order
16 under the Tennessee Consumer Protection Act.

17 The second is Tennessee Code Annotated
18 23-3-103(c)(4) of the Unauthorized Practice and
19 Improper Conduct statute. That states a civil
20 penalty of up to \$20,000 per violation of the
21 defendant's failure to comply with the court
22 injunction under the UPL statutes.

23 It is available for the Court to assess.
24 Obviously, we don't believe that \$22,000 per day
25 is necessary in this case. It is up to the

1 Court's discretion. We just would ask that a per
2 day violation for each day that the defendant
3 failed to comply with the order be assessed.

4 THE COURT: That's the 44 days?

5 MS. SIMMONS: Forty four business days.

6 THE COURT: Now, let me -- Mr. Jackson's
7 attorney fee affidavit is for \$300 and --

8 MS. SIMMONS: Mine is for \$450.

9 THE COURT: -- 450 for yours?

10 MR. SIMMONS: And then we had court reporter
11 fees of \$150.

12 THE COURT: The 150, that doesn't count
13 today, does it?

14 MS. SIMMONS: No. No, Your Honor.

15 THE COURT: Have you had an opportunity to
16 review any of the documents that Mr. Sneed
17 provided?

18 MS. SIMMONS: Yes. If Your Honor would like
19 to see them, I can submit them. We would ask that
20 if you would like a copy to be part of the record,
21 we would submit a redacted version since this does
22 include bank account numbers of Mr. Sneed.

23 THE COURT: I tell you what we'll do. Copy
24 that please.

25 That's the extent of the information you

1 were provided?

2 MS. SIMMONS: Yes. Yes, Your Honor.

3 THE COURT: Let's get a copy, and let me
4 look at it.

5 Anything else? I know you've got some other
6 requests for relief.

7 MS. SIMMONS: Just for this order, that's
8 all we're asking for today. Just the assessment
9 of the civil penalties and the attorneys fees
10 under that order, the order of injunction under
11 the agreed order.

12 THE COURT: What about a motion for an order
13 identifying attorneys selected as receivers under
14 the agreed order?

15 MS. SIMMONS: I believe that was already
16 entered. When Mr. Jackson --

17 THE COURT: Was that entered by agreement?

18 MS. SIMMONS: No, Your Honor. I believe
19 that was presented two weeks ago by Mr. Jackson
20 and entered by this court.

21 THE COURT: Was there an order on that?

22 MR. JACKSON: The order you are referring to
23 was presented at the original hearing back in
24 August and was entered at that time.

25 It just appointed certain attorneys as

1 receivers of the files. The material we received
2 yesterday indicates that he has no other files.
3 So there's nothing to turn over to the receivers.

4 THE COURT: But the information that you've
5 got that's being copied right now was delivered by
6 Mr. Sneed; is that correct?

7 MR. JACKSON: That's correct.

8 THE COURT: And there's no other information
9 or documentation that you have requested that
10 needs to be provided by either Joseph Davidson,
11 Ana Escobar, or Jonathan Williams, the three
12 receivers?

13 MS. SIMMONS: No, sir. According to
14 Mr. Sneed, they have gotten everything, all of his
15 client files.

16 THE COURT: Okay. So those three receivers
17 have gotten all of his client files?

18 MS. SIMMONS: According to Mr. Sneed they
19 have.

20 MR. SNEED: Well, no, Your Honor. The files
21 that I did have have already been turned over to
22 other attorneys. I did not have any files to turn
23 over to these particular individuals. I don't
24 have any files.

25 The last time that we were here, I indicated

1 I may have only one or two files. They had
2 already been turned over. Fred Reynolds [sic]
3 took a large number of my files. Wayne Davis.
4 Some of my other friends took a lot of them. I
5 just did not have any files to turn over to the
6 receivers.

7 Now, they had previously received some files
8 under an order that was filed -- that
9 submitted -- that was signed by Judge --

10 THE COURT: Fishburn?

11 MR. SNEED: Fishburn.

12 THE COURT: That's what I was thinking.

13 Are y'all satisfied that all that is
14 correct?

15 MS. SIMMONS: Yes, Your Honor.

16 MR. JACKSON: You Honor, we had just
17 received the documents yesterday. Mr. Sneed says
18 there aren't any, and we're going to take him at
19 his word for now.

20 We're going to do some discovery to see if,
21 in fact, that's correct. But at this point, I
22 think we have to take him at his word that all
23 files have been either returned or turned over.

24 But if at some point we find out that
25 they're not, then we might have to come back. But

1 for now, we have to assume what he's told us is
2 correct.

3 THE COURT: All right.

4 Have y'all contacted any of these three
5 receivers; Joseph Davidson, Ana Escobar, or
6 Jonathan Williams about any of his files that were
7 received as a result of Judge Fishburn's order?

8 MR. JACKSON: Not yet, Your Honor. We were
9 going to wait to see what we received in this
10 case.

11 THE COURT: So you-all really need to do
12 that in order to see if you've got everything you
13 think is out there. He is telling you that's
14 everything.

15 MR. JACKSON: Right.

16 THE COURT: But you would like to do your
17 due diligence to make certain that all of
18 those -- that all the files have been turned over.

19 MR. JACKSON: Correct.

20 MS. SIMMONS: Correct, Your Honor.

21 THE COURT: And how long do you think it
22 will take you-all to do all of that?

23 Let me ask you this. If you're satisfied
24 if -- you become satisfied after you perform your
25 due diligence review, I'd like to be made aware of

1 that.

2 And if you're not satisfied, I'm certain
3 we'll get a motion of some kind or petition of
4 some kind; is that correct.

5 MS. SIMMONS: Correct, Your Honor.

6 THE COURT: Then I'll just -- I'll just let
7 you do what you need to do within whatever time
8 frame you think is necessary.

9 Is there anything you would like to say,
10 Mr. Sneed, on your behalf on the request that
11 they've made for statutory penalties, attorney's
12 fees, and court reporter fees?

13 MR. SNEED: The only thing I would ask, Your
14 Honor, is if any penalties are assessed, that you
15 would await the outcome of the hearing on the case
16 on the full merits before determining whatever
17 penalties are appropriate to be awarded.

18 THE COURT: And when you say "full merits,"
19 you mean the after the case is over?

20 MR. SNEED: Exactly.

21 (Indiscernible. Crosstalking.)

22 THE COURT: -- determining if there are any
23 other documents?

24 MR. SNEED: Exactly.

25 THE COURT: How do y'all feel about that?

1 That's what I had in mind because we really don't
2 know yet what kind of compliance there has been.
3 There may have been full compliance, there may not
4 have been.

5 Depends upon your investigation; is that
6 correct.

7 MS. SIMMONS: Yes, Your Honor.

8 Would you like us to set another status
9 hearing when we have a chance to do a full review?

10 THE COURT: Well, that's what I think would
11 be the thing to do. Let me ask this.

12 Let me just look at these accountings first
13 of all.

14 It looks like there's a Michael H. Sneed
15 trust account, and it looks like there's two
16 statements; one for 7/1/09 through 7/31/09, and
17 another one from 8/1/09 through 8/31/09.

18 And then there's a Michael H. Sneed attorney
19 account, a different account number, and same time
20 period; 7/1/09 through 7/31/09 and 8/1/09 through
21 8/31/09.

22 So there's two accounts and two different
23 months statements?

24 MS. SIMMONS: Yes, sir.

25 THE COURT: Is that what -- is that what you

1 contemplated getting, or do you know whether or
2 not you wanted more information than that?
3 Because the order is fairly broad.

4 MS. SIMMONS: Yes, Your Honor. I think what
5 we are attempting to get to figure out is whether
6 or not he had any client assets and had any money
7 owed to clients in his accounts.

8 I would prefer to have more bank statements
9 than just two months, since his suspension began
10 in February. So I wish we could get more than
11 that information to do a better assessment.

12 THE COURT: What about that Mr. Sneed?

13 MR. SNEED: I can provide it, but I thought
14 the order specifically provided for a requirement
15 for me to provide an accounting.

16 It did not, necessarily, request bank
17 statements, but I thought I would provide them
18 that just to make sure they had what they wanted.

19 Now, if they need bank statements, I can get
20 bank statements. That's no problem.

21 THE COURT: Well, I think if you do that,
22 that would shorten their involvement -- time
23 involvement in this and would help your bottom
24 line, as far as any penalties and attorney fees
25 and that kind of thing.

1 Anything you can do to help their process of
2 being satisfied and for them to get all the
3 information they need, I think you should do that.

4 MR. SNEED: From February of '09 to July of
5 '09?

6 THE COURT: Through June.

7 MS. SIMMONS: June?

8 THE COURT: Because they've got July and
9 August.

10 MR. JACKSON: Your Honor, maybe if I can
11 sort of explain what we're trying to get at, that
12 might help.

13 THE COURT: I think I understand. But you
14 just tell me what you need, and I think Mr. Sneed
15 needs to just give it to you.

16 MR. JACKSON: This is a Consumer Protection,
17 Unauthorized Practice case.

18 What we're looking at is money or assets of
19 clients and former clients of Mr. Sneed's that he
20 had in his possession after his suspension, or
21 anything that he took in or belonged to consumers
22 who may have utilized his services after his
23 suspension that would need to be returned to them
24 as part of any case that we might be able to prove
25 against him.

1 That's what we're looking for in the nature
2 of assets.

3 THE COURT: Certainly. And I understand
4 that.

5 MR. JACKSON: As well as any accounts that
6 he might have that have any money like that. That
7 was one piece. The other piece was the actual
8 files of those clients to make sure that they get
9 to a licensed attorney who can help them with
10 their legal matters.

11 Those are the two big things that our order
12 was designed to get at in the first place.

13 THE COURT: Right.

14 Now, I would think that the best evidence of
15 funds would be, hopefully, revealed in a trust
16 account. Or if you don't mind doing, Mr. Sneed,
17 your personal account. Because sometimes people
18 mix, and that happens unintentional sometimes.
19 And sometimes intentionally.

20 But I think both accounts, February through
21 June of '09, if you can get all those statements
22 and get them as quickly as you can.

23 And then, I think an affidavit from you
24 would be in order, that would state what, if any,
25 other funds that may not be reflected in the two

1 accounts that you may have received and not put
2 into a bank account from February
3 through -- through now would be appropriate for
4 you to do as part of the accounting.

5 Does that sound reasonable?

6 MR. SNEED: That's fine, Judge.

7 THE COURT: Does that sound reasonable to
8 you-all?

9 MS. SIMMONS: Yes, Your Honor.

10 THE COURT: And then the files, you haven't
11 had a chance to review the files, I guess, that
12 these three trustees have received?

13 MS. SIMMONS: No, Your Honor.

14 THE COURT: Is that correct?

15 MS. SIMMONS: Correct.

16 MR. JACKSON: They have not received any
17 under this case. As part of the suspension,
18 that's what Judge Fishburn ordered, that the files
19 be turned over to them as part of the suspension.

20 And we had information that he was
21 continuing to practice after that, so we wanted to
22 make sure that any attorney files and any client
23 files that he had was under the jurisdiction of
24 this court to be turned over.

25 He's telling us now that he doesn't have

1 any. We'd like something in the record to that
2 effect. And like I said, we're going to do some
3 discovery to try to find out the names of those
4 people and follow up to see if that, in fact, has
5 happened.

6 MS. KINSER: This is Cynthia Kinser. I'm
7 also with the Attorney General's Office.

8 THE COURT: Yes.

9 MS. KINSER: We had hoped to take his
10 accounting information and then match to make sure
11 we have every file. So we have not bothered the
12 receivers yet because we didn't have that. I just
13 wanted Your Honor to know that was our thought
14 process.

15 Certainly, we'll reach out to them. But our
16 initial thought is that accounting would help us
17 with the names and then there should be, of
18 course, a responding file and we would have the
19 ability to kind of match them up and then we would
20 be able to figure out if we were missing
21 something.

22 Obviously, it looks like we're going to have
23 to try and go forward to compare it to people that
24 have already contacted us and that sort of thing
25 anyway. But we hoped that the accounting would

1 have helped us.

2 I just wanted Your Honor to understand that
3 that was kind of the thought process of the
4 Attorney General's Office. Because what we don't
5 want to do is run up the receiver of the files
6 cost and bother them unnecessarily when they've
7 already got a lot of files. You know, until we
8 were a little more organized.

9 We were hoping to go in and be like, this is
10 what we think you should have and ask if they each
11 have them. And then see what they have and see if
12 those don't match up. But it looks like we might
13 have to go forward anyway.

14 But that had been our initial thought
15 process. From some other cases we've done, that's
16 how we've done them in the past.

17 THE COURT: That makes perfect sense. And I
18 appreciate you telling me that. The bank
19 statements do not have anybody's name associated
20 with them, and that's kind of what you want --

21 MS. KINSER: Yeah.

22 THE COURT: -- is names?

23 MS. KINSER: Yes, Your Honor.

24 I guess it may be fair to say that because
25 we got it so late yesterday, we were trying to

1 give him the benefit of the doubt.

2 And it would be fair to say that our
3 office's initial review of it was that the
4 information was inadequate and didn't really put
5 us in the position to do what we thought the order
6 would let us do. So I'll convey that to the
7 Court.

8 But we'll also say that we were happy to
9 finally receive something because there had been a
10 lengthy period of time. And as you know, we've
11 had to expend resources to try to get that
12 information.

13 So we're trying to do it before the trial
14 because one of our concerns is we need to
15 interview consumers and make sure they've gotten
16 to an attorney and it's not just a preservation of
17 money.

18 But there may be consumers out there that
19 aren't -- haven't been conveyed to the folks they
20 need to get to. So we're trying to move forward,
21 but it's just been a difficult process.

22 So we appreciate your time, and I'm sorry
23 the file is so big, but it's been complicated.

24 THE COURT: No. No. Don't worry about
25 that. It's hard to search through and find

1 everything in these files and try to conduct
2 business at the same time.

3 And what happens with these affidavits,
4 sometimes they get put in the right place and
5 sometimes they don't. And I've -- I didn't want
6 to waste y'all's time by looking through that file
7 to find that while we were trying to get down to
8 business.

9 But is this something that maybe after you
10 get the -- well, let me back up.

11 Is it Fred Ramos?

12 MR. SNEED: Ramos.

13 THE COURT: And I think he's got a
14 suspension too?

15 MR. SNEED: He does. He's not practicing
16 any longer, but he had other attorneys at the
17 office that helped out with those cases. And a
18 lot of the cases, Your Honor, were not long, drawn
19 out cases. Cases he had already resolved.

20 THE COURT: And you-all know some of the
21 consumers because they've made complaints?

22 MS. KINSER: We have received complaints and
23 information which lead to us filing the lawsuit.
24 But we assume that there are other victims out
25 there and some of them --

1 THE COURT: And you'd like to identify them?

2 MS. KINSER: -- who may be hesitant to come
3 forward because of their legal status.

4 So we were trying to identify them in
5 whatever manner we could so we could kind of reach
6 out to them and let them know what we were trying
7 to accomplish, and like I said, do the
8 preventative things we can do even before the
9 trial went all the way forward.

10 THE COURT: Do you have some kind of a list,
11 Mr. Sneed, of all the clients whose files were
12 turned over to Mr. Ramos and to Wayne Davis and
13 the other attorneys you turned your files over to?

14 MR. SNEED: My former secretary had prepared
15 a list. I think she provided that to Judge
16 Fishburn, Judge.

17 Now, my former secretary now works for
18 Luvell Glanton. She's accessible. I can talk to
19 her and see if I can get that list. But she did
20 prepare a list.

21 THE COURT: And that would be information
22 that you would like to have?

23 MS. KINSER: That would be very helpful to
24 us to compare it to people that have called us so
25 we have a more complete list. That would be very

1 helpful.

2 THE COURT: And then, if you want to do any
3 follow up to make certain that the list is
4 complete, you'd probably have to talk to Mr. Davis
5 and Mr. Ramos.

6 So part of this order, I think I must say
7 Mr. Sneed should not only provide the copies of
8 the bank statements for both the accounts, but
9 Michael H. Sneed attorney account, and then the
10 Michael H. Sneed attorney trust account.

11 I also -- and I'm not going to say what the
12 account numbers are, but they're on these. You've
13 got the documents.

14 MR. SNEED: That's going to be redacted
15 though, isn't it?

16 THE COURT: Yes. We'll do that.

17 In fact, I'm going to put the burden on
18 you-all to do that, to redact the account numbers.
19 Anything else you want to redact?

20 MS. SIMMONS: No. Just the numbers.

21 THE COURT: Just the numbers? Okay.

22 And provide a list of all clients whose
23 files were turned over to various attorneys
24 including Fred Ramos, Wayne Davis, and who else?

25 MR. SNEED: I think Wendell Dawson was in

1 with Fred Ramos. He is in Fred Ramos's office,
2 and I think he took some of them.

3 THE COURT: What about Wendell Dawson?

4 MR. SNEED: Yes. And one other thing.

5 As far as redacting, I think my social
6 security number may be on the bank accounts. If
7 we can redact that also.

8 THE COURT: If it is, we'll redact that too.

9 MR. SNEED: If it is.

10 THE COURT: It could be somewhere.

11 Who else? Any other attorneys that you can
12 think of?

13 MR. SNEED: Not that I can think of off
14 hand, Judge. No.

15 MR. JACKSON: I guess we'd like to know who
16 got what file.

17 THE COURT: Right. Right. Right. And the
18 names of the clients. I think that's what they
19 really need. Clients' names and which files were
20 turned over to which attorneys.

21 MR. SNEED: Okay.

22 THE COURT: And is that the list that you
23 think your former secretary provided
24 Judge Fishburn?

25 MR. SNEED: Yes. I'm going to get with her,

1 and she's probably got it on the computer. She
2 can kick it out. She and I can get probably get
3 together on that.

4 But I know she compiled a list. Fishburn
5 requested a list of all the files turned over, and
6 I thought she had given it to him. But maybe not.

7 THE COURT: Have y'all checked that source?
8 Judge Fishburn's --

9 MS. SIMMONS: Judge Fishburn did not have an
10 order with the receivers' names, which is why we
11 had to enter our own order. So I believe we have
12 all the information that we could get from that
13 proceeding, but it did not include a list or
14 anything like that.

15 THE COURT: Well, if you need this in the
16 order, I'm going to say you have the right to make
17 an inquiry with Judge Fishburn as to whether or
18 not a list of clients was provided to Judge
19 Fishburn. If so, you should have a copy of that.

20 MS. KINSER: Your Honor, could I just ask
21 about one clarification?

22 THE COURT: Yes, you can.

23 MS. KINSER: It would be important to our
24 office that we be clear that we're not just
25 interested in files. If Mr. Sneed did not create

1 a file but he had a client, we would like this
2 order to reflect or require him to identify those
3 clients.

4 Do you understand what I'm saying?

5 THE COURT: I do.

6 MS. KINSER: Because there might not -- I
7 just don't want there to be ambiguity later.

8 If he didn't create a physical file but he
9 gave advice and had a client and he is aware of
10 who that is, we would like to ask that that be
11 included. I just want to make sure that the word
12 "file" doesn't limit what we're really talking
13 about today.

14 THE COURT: And I agree with that. That's
15 an important distinction.

16 You understand that, don't you?

17 MR. SNEED: Yeah. I do, Your Honor. But
18 that's going to be --

19 THE COURT: That's going to be your memory.

20 MR. SNEED: Right. I mean, people came into
21 my office all day. "Hey, Mike, what do I need to
22 do about this? What do I need to do about that?"

23 Obviously, because it wasn't a legal
24 proceeding going on, I didn't --

25 THE COURT: It may be more difficult for you

1 to provide that information without a file, but my
2 strongest suggestion to you is do your best to
3 recall any other names of individuals who came to
4 your office where a file was not created and maybe
5 you received a fee.

6 Now, you're not talking about people that
7 didn't pay him a fee, are you?

8 MS. KINSER: No, Your Honor. That's all I'm
9 interested in. And there might be situations
10 where he did create a formal file.

11 And so if there was a client he received
12 some voluntary amount, we would want it from him
13 for whatever recollection he has.

14 THE COURT: That should be part of your
15 affidavit, Mr. Sneed.

16 MR. SNEED: Okay.

17 THE COURT: Anything else?

18 MS. SIMMONS: Yes, Your Honor.

19 Regarding the civil penalties, we would
20 request to this Court, we already know that
21 Mr. Sneed has not complied with the order for 44
22 business days. So we would request that that
23 penalty be assessed.

24 And then therefore, if we find that he's
25 proven not in compliance with the agreed order

1 through the documents we receive, that we would
2 ask for further civil penalties at that point.

3 But we feel since he has already violated
4 that agreed order, we would like those penalties.

5 THE COURT: And I understand your position.
6 And I'm going to take all of that -- the civil
7 penalties, the attorney's fees, and the court
8 reporter fees, I'm going to take all that under
9 advisement pending Mr. Sneed's full compliance
10 with what I've just ordered.

11 And you know what that means?

12 MR. SNEED: Yes, I do.

13 THE COURT: But the more complete and faster
14 you provide that information will certainly weigh
15 heavily in your favor as far as my ultimate
16 decision.

17 MR. SNEED: I understand.

18 THE COURT: As on civil penalties,
19 attorney's fees, and court reporter fees.

20 MR. SNEED: I understand.

21 THE COURT: That's pretty clear, isn't it?

22 MR. SNEED: I understand.

23 THE COURT: You've been around long enough
24 to know that, and that's what I'm trying to get
25 you to do. Just so we can get an end to this.

1 I mean, I think everyone just wants that,
2 and you should definitely want that.

3 MR. SNEED: Most definitely.

4 THE COURT: So do your best to comply,
5 please, and keep in mind that, you know, I'll be
6 told, certainly, if there's not a full compliance
7 that I anticipate you giving after today's
8 hearing. I appreciate you doing that.

9 MR. SNEED: Thank you, Judge.

10 THE COURT: Anything else?

11 MS. SIMMONS: No, Your Honor. That's it.

12 MR. JACKSON: Do you want us to submit an
13 order outlining the specific things you --

14 THE COURT: Yes.

15 MR. JACKSON: A time frame for providing
16 the --

17 THE COURT: How long do you think, Mike, you
18 need?

19 MR. SNEED: Two weeks, Judge, I think.

20 THE COURT: That's sounds reasonable.

21 MR. JACKSON: That's fine.

22 MS. SIMMONS: That sounds reasonable.

23 THE COURT: And that would include all the
24 information that we've asked for today.

25 MR. SNEED: (Nods head affirmatively.)

1 THE COURT: So two weeks from today?

2 MR. SNEED: Yes, Your Honor.

3 MR. JACKSON: And then at the end of that
4 time, Your Honor, we can submit a document either
5 that he has -- we've received the information or
6 we haven't to let Your Honor know.

7 THE COURT: And I would suggest that y'all
8 try, if you think there's more that you need that
9 hasn't been supplied -- and appreciate the fact
10 that you have done that -- contact him by letter
11 and by phone.

12 Do you have phone contact information
13 where --

14 MR. SNEED: Yes. It should be on the
15 documents I submitted to the Court. But I do have
16 an e-mail address in addition if you need that.

17 MS. SIMMONS: If you can supply that to us,
18 that would be very helpful.

19 THE COURT: Y'all have a recent cell phone
20 number; right?

21 MS. SIMMONS: I provided one to the Court, I
22 believe, yesterday if that's the right one.

23 MR. SNEED: Someone from the court called
24 me. And I have a phone number also. I don't know
25 if you've got that number.

1 MS. SIMMONS: I would like that number as
2 well if you can give that.

3 MR. JACKSON: And your home address is the
4 right address to send things to?

5 MR. SNEED: Yes. Yes.

6 THE COURT: So you have a home phone, cell
7 phone, home address and an e-mail?

8 MR. SNEED: Yes.

9 THE COURT: And why don't you -- why don't
10 we get all that information while we're all here
11 now.

12 THE COURT OFFICER: I've got a cell phone
13 number.

14 THE COURT: Why don't you just tell us that,
15 and we'll put that on the record. Just say what
16 that is.

17 What cell phone number do you have?

18 THE COURT OFFICER: 615-424-8661?

19 MR. SNEED: That's correct.

20 THE COURT: Is that right?

21 MR. SNEED: That's correct.

22 THE COURT: And then e-mail address?

23 THE COURT OFFICER: Sneednsh@aol.com.

24 MR. SNEED: I've changed that. It's Michael
25 Sneed, all lower case, m-i-c-h-a-e-l s-n-e-e-d, at

1 live, l-i-v-e, dot com.

2 THE COURT: And your home address, which is?

3 MR. SNEED: 3141 Kenwood Drive. I received
4 your order. Yes.

5 THE COURT: I just want to make sure it's
6 the same.

7 MR. SNEED: 37013.

8 THE COURT OFFICER: Home phone number?

9 MR. SNEED: 719-8987.

10 MS. SIMMONS: Thank you.

11 THE COURT: You got all that?

12 THE COURT OFFICER: Yes, sir.

13 THE COURT: And y'all got all that?

14 MS. SIMMONS: Yes, Your Honor.

15 THE COURT: Any other contact information or
16 any other items we haven't covered?

17 MS. SIMMONS: That's it.

18 THE COURT: Satisfied with everything we've
19 talked about today?

20 MS. SIMMONS: Yes.

21 MR. SNEED: Yes, Judge.

22 THE COURT: All right. If y'all will
23 prepare the order, somebody from the Attorney
24 General's Office, and submit it to Mr. Sneed at
25 his review.

1 And just go ahead and file it in the three
2 days. We've got a three-day waiting period. And
3 if you don't like it, submit your own within that
4 three days. And I'll sign it.

5 MR. SNEED: Okay.

6 THE COURT: That's the rule.

7 MR. SNEED: I understand.

8 THE COURT: All right. Thank y'all very
9 much.

10 MS. SIMMONS: Thank you.

11 MR. JACKSON: Thank you, Your Honor.

12 END OF PROCEEDINGS.

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1 STATE OF TENNESSEE)
2)
3 COUNTY OF RUTHERFORD)

4 I, BRITTANY E. PATRICK, Certified Court Reporter
5 and Notary Public in and for the State of Tennessee at
6 Large,

7 DO HEREBY CERTIFY that the foregoing proceedings
8 were taken at the time and place set forth in the
9 caption thereof; that the witness therein was duly sworn
10 on oath to testify the truth; in shorthand; and the
11 foregoing proceedings constitute a true and correct
12 transcript of said proceedings to the best of my
13 ability.

14 I FURTHER CERTIFY that I am not a relative or
15 employee or attorney or counsel of any of the parties
16 hereto, nor a relative or employee of such attorney or
17 counsel, nor do I have any interest in the outcome or
18 events of this action.

19 This 18th day of September, 2009.

20 

21 Brittany E. Patrick

22 Court Reporter

IN THE CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE
TWENTIETH JUDICIAL DISTRICT AT NASHVILLE

STATE OF TENNESSEE, *ex rel.*
ROBERT E. COOPER, JR., ATTORNEY
GENERAL and REPORTER,

Plaintiff,

v.

MICHAEL H. SNEED,

Defendant.

Case No. 09C2025

AFFIDAVIT OF ANNE SIMMONS, ASSISTANT ATTORNEY GENERAL

STATE OF TENNESSEE

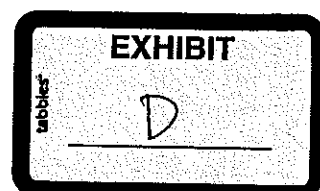
COUNTY OF DAVIDSON

I, Anne Simmons, after first being duly sworn according to law, depose and say:

1. I have personal knowledge of the facts contained herein and swear that this statement is true and accurate to the best of my knowledge.

2. I am employed as an Assistant Attorney General with the Consumer Advocate and Protection Division of the Office of the Tennessee Attorney General. I have been employed by the Office of the Tennessee Attorney General since September 2007. I obtained my license to practice law in October 2007.

3. At a minimum, I have spent 8 hours associated with the investigation and preparation of this Civil Contempt Motion. Specifically, I have spent at least .5 hours reviewing and preparing correspondence with Defendant in an attempt to obtain the documents and 7.5 hours strategizing and preparing the Motion.




4. In preparing this fee affidavit, I have attempted to use billing judgment in making a reasonable claim of time for services rendered.

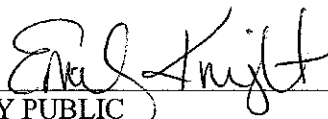
5. I request that the Office of the Attorney General be awarded a reasonable hourly rate of \$150.00 per hour for my services pertaining to this case. I believe that \$150.00 an hour is a reasonable rate in light of prevailing market rates for attorneys of similar experience, qualifications and skills. This rate is the billing rate that has been approved by the Attorney General and Reporter's Office for the State of Tennessee for my services as an Assistant Attorney General in the Consumer Advocate & Protection Division. The total for 8 hours of my work described herein at \$150.00 per hour is \$1200.00.

6. Based on the foregoing and consistent with Tenn. Code Ann. §§ 47-18-108(b)(4) and 23-3-103(c)(1) which allows a court to award reasonable costs and expenses of investigation and prosecution of actions under the Tennessee Consumer Protection Act and the Unauthorized Practice and Improper Conduct statutes commenced by the State, including actions to enforce injunctions, the State of Tennessee is seeking reimbursement for attorneys' fees for my services and costs to the State in the total amount of \$1200.00 for the Civil Contempt Motion.

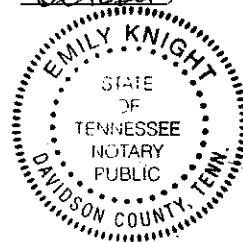
FURTHER THE AFFIANT SAITH NOT.


ANNE SIMMONS, B.P.R. 26272
Assistant Attorney General

Sworn to and subscribed before me this the 12th day of October, 2009.


NOTARY PUBLIC

My commission expires: Aug. 23, 2011



My Commission Expires AUG. 23, 2011